

1 RENE L VALLADARES
Federal Public Defender
2 State Bar No. 11479
MONIQUE N. KIRTLEY
3 Assistant Federal Public Defender
411 E. Bonneville Avenue, Suite 250
4 Las Vegas, Nevada 89101
(702) 388-6577
5 (Fax) 388-6261

6 Attorneys for Anhwar Telly Young

7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

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11
12 UNITED STATES OF AMERICA,
13 Plaintiff,

14 vs.

15 ANHWAR TELLY YOUNG,
16 Defendant.

2:09-CR-00340-PMP-GWF

**MEMORANDUM AND PROPOSED
ORDER**

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18 COMES NOW, the defendant ANHWAR TELLY YOUNG, by and through
19 counsel Monique Kirtley, Assistant Federal Public Defender who submits this memorandum and
20 proposed order. This memorandum is made based on all prior proceedings had herein and the
21 attached memorandum of points and authorities.

22 DATED this 6th day of May, 2013.

23 RENE VALLADARES
Federal Public Defender

24 /s/ Monique Kirtley
25 By _____
26 MONIQUE KIRTLEY
Assistant Federal Public Defender
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MEMORANDUM

On August 31, 2009., Mr. Anhwari Telly Young, plead Not Guilty By Reason of Insanity to count one of the Information alleging a violation of 18 U.S.C. § 844 (e). On April 23, 2012, Mr. Young was committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4243. On March 14, 2013, the parties received the Annual Report and Certificate of Conditional Release for Mr. Young from B.R. Jett, Warden Federal Medical Center, Rochester, Minnesota.

On May 6, 2013, the Court held a telephonic status conference. Attending the telephonic status conference was Mr. Anhwari Young, AUSA Gregory Damm, counsel for the government, AFPD Monique Kirtley, counsel for Mr. Young, Dr. Andrew Simcox, PHD, Chief of Psychology, Tanya Willford, LICSW, and Leighann Milford, United States Probation Officer, Eastern District of California. After hearing testimony from the parties the Court Ordered Mr. Young's conditional release pursuant to terms and conditions as listed in the attached proposed order.

DATED this 6th day of May, 2013.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

By: /s/ Monique Kirtley
MONIQUE KIRTLEY
Assistant Federal Public Defender
Counsel for Anhwari Telly Young

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 UNITED STATES OF AMERICA,

2:09-cr-00340-PMP-PAL

5 Plaintiff,

PROPOSED ORDER

6 vs.

7 ANHWAR TELLY YOUNG,

8 Defendant.

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10 On May 6, 2013, pursuant to 18 U.S.C. § 4247(d), the Court held a Telephonic Status
11 Conference hearing on the certificate filed by the Warden of the Federal Medical Center in
12 Rochester, Minnesota requesting the conditional release of ANHWAR TELLY YOUNG, whom this
13 Court found not guilty by reason of insanity and committed for hospitalization on April 23, 2012.
14 Present at the hearing were AUSA Gregory Damm and Assistant Federal Public Defender Monique
15 Kirtley, counsel for ANHWAR TELLY YOUNG. The Court heard testimony, via teleconference,
16 from Dr. Andrew Simcox, Chief of Psychology at FMC Rochester, Tanya Willford, LICSW,
17 Leighann Milford, United States Federal Probation Officer, and ANHWAR TELLY YOUNG.

18 Upon careful review of the report and consideration of the testimony presented, the
19 Court finds that ANHWAR TELLY YOUNG's conditional release under a prescribed regimen of
20 medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of
21 bodily injury to another person or serious damage to the property of another. Therefore, conditional
22 discharge, under the supervision by the United States Probation Office for a period of five (5) years,
23 is appropriate under the conditions set forth below.

24 Pursuant to 18 U.S.C. § 4243(f)(2), ANHWAR TELLY YOUNG shall be discharged
25 from his commitment to the custody of the Attorney General under the following conditions:

26 1. Mr. Young will reside with his mother Mary Williams at 4130 W. Ramona
27 Ave., Fresno, CA 93722. Mr. Young will not make any changes in his residence without the

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1 advance approval of the mental health providers and the final approval of the Supervising U.S.
2 Probation Officer.

3 2. Mr. Young will comply with all recommendations of treatment and will
4 comply with all appointments with the Fresno County Mental Health Center and/or the contract
5 provider for the U.S. Probation Office. Mr. Young shall not change mental health providers without
6 the advance approval of the U.S. Probation officer.

7 3. Mr. Young is restricted from travel outside of the Eastern District of
8 California except with the prior approval of the U.S. Probation Officer.

9 4. Mr. Young shall comply with psychiatric treatment as directed by the
10 treatment team and the U.S. Probation Office, to include oral and injectable psychotropic
11 medications.

12 5. While Mr. Young is in outpatient counseling, he shall comply with being
13 admitted to an inpatient facility or placed in a crisis stabilization facility should his treating clinicians
14 or U.S. Probation Officer deem it is necessary for his safety or the safety of the community

15 6. Mr. Young is to abstain from all use of alcoholic beverages and not frequent
16 places where alcohol is chief item for sale and other drugs not prescribed by his treating physician.
17 His treating physician shall notify the United States Probation Officer of any changes in the
18 administration of anti-psychotic drugs.

19 7. Mr. Young is to submit to urine analysis and other drug testing for the
20 detection of use of controlled substances and to undergo regular urine or serum blood level screening
21 if ordered by the treating physician or the U.S. Probation Officer to ensure abstinence from
22 substances and the maintenance of a therapeutic level of medication.

23 8. Mr. Young shall participate in outpatient/inpatient substance abuse
24 counseling as directed by the U.S. Probation Officer, if deemed necessary.

25 9. Mr. Young shall not possess any firearms, destructive devices, or other
26 dangerous weapons. The defendant shall submit to the search of his person, property, home, and
27 vehicle by a U.S. Probation Officer, or any other authorized person under the immediate and
28 personal supervision of the probation officer, based upon reasonable suspicion without a search

1 warrant. Failure to submit to a search may be grounds for revocation. The defendant shall warn any
2 other occupants of the residence that the premises may be subject to searches pursuant to this
3 condition.

4 10. Mr. Young shall not commit another federal, state, or local crime.

5 11. Mr. Young is to report any contact with any law enforcement officer to the
6 U.S. Probation Office within 24 hours of the contact.

7 12. Mr. Young shall answer truthfully all inquiries by the U.S. Probation Officer
8 and follow the instructions of the U.S. Probation Officer.

9 13. Mr. Young will be supervised by the U.S. Probation Office for a specified
10 period imposed by the Court to ensure his compliance. Mr. Young will comply with the standard
11 conditions of the U.S. Probation Office, Eastern District of California, including waiving his right
12 to confidentiality regarding his mental health treatment in order to allow sharing of information with
13 the Supervising Probation Officer who will assist in evaluating the ongoing appropriateness of
14 community placement.

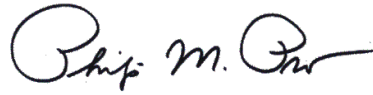
15 14. The medical provider may at any time recommend modification or
16 elimination of the regimen of medical, psychiatric, or psychological care or treatment, upon
17 certification to this Court that to do so would not create a substantial risk of bodily injury to another
18 person or serious damage to the property of another. Any party requesting modification or
19 termination of the Conditions of Release shall submit adequate documentation supporting the request
20 through the Supervisory U.S. Probation Officer, to the Civil Division of the United States Attorney
21 Office for the Eastern District of California, for a determination as to whether a motion for release
22 should be filed.

23 15. Mr. Young's failure to adhere to any of these conditions will result in him
24 being located, taken into custody, and subsequently review by the federal court of jurisdiction for
25 suitability for continued release to the community

26 **IT IS HEREBY ORDERED** that Defendant can be released from FMC Rochester
27 as soon as transportation arrangements have been made to transport Mr. Young from FMC Rochester
28 to Fresno, California.

1 **IT IS FURTHER ORDERED** that the Clerk will send a copy of this Order to
2 Warden, Federal Medical Center, P.O. Box 4600, Rochester, MN55903-4600, reference Reg. No.
3 43660-048, and to U.S. Probation Office, Eastern District of California, 2500 Tulare Street, Suite
4 3401, Fresno, CA 93721-1330.

5 DATED this ____ 6th day of May, 2013.

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8 PHILIP M. PRO
9 UNITED STATES DISTRICT COURT JUDGE
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That on May 6, 2013, she served an electronic copy of the above and foregoing **Memorandum and Proposed Order**, by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN
United States Attorney
J. GREGORY DAMM
Assistant United States Attorney
333 Las Vegas Blvd. So., 5th Floor
Las Vegas, Nevada 89101

Employee of the Federal Public Defender